
CARMEL CITY CODE
CHAPTER 10: ZONING & SUBDIVISIONS**ARTICLE 1: ZONING CODE****CARMEL ZONING ORDINANCE****CHAPTER 23F: CARMEL DRIVE – RANGE LINE ROAD OVERLAY ZONE**

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23F.00 Carmel Drive – Range Line Road Overlay Zone.

23F.00.01 Purpose, Intent and Authority. The purpose of this overlay zone is to protect and enhance the health, safety and welfare of the citizens and property owners of Carmel by allowing for the establishment of an uptown business district that will support a range of activities and opportunities to all segments of the community; with mixed-uses in multi-story buildings; is pedestrian oriented and supportive of multiple modes of transportation; with buildings and a streetscape which are attractive and safely designed in order to enhance the livability of the city.

It is the City's intent to achieve the purpose of this zone by:

- Providing a consistent urban design treatment for private and public properties in central Carmel;
- Providing additional opportunities for investment and reinvestment in real estate by mandating higher intensity of development;
- Minimizing suburban sprawl, through re-use and redevelopment of the community's land resources;
- Minimize community infrastructure costs thru the more efficient use of land;
- Providing controls for architecture and landscape design to establish continuity of design between projects and to improve the physical relationship between new buildings and overall community.

Further, it is the intent of this overlay zone to provide a temporary regulation, that will support the ongoing redevelopment of Carmel City Center, and Old Town, and the Avenue of Art and Design, acting as a transition regulation until a specific plan for Carmel's central business district (CBD) is adopted, and which plan will serve as the basis for CBD Zone regulations.

This district is superimposed over the other primary zoning districts and its regulations shall supersede those of the primary zoning districts over which it is superimposed. In establishing this zone, the Plan Commission and Council relies on I.C. 36-7-4-1400 *et seq.*

23F.00.99 Application Procedure.

- A. Development Plan. See Section 24.99(A): *Development Plan.*
- B. Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS). See Section 24.99(B): *Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS).*

23F.01 District Boundaries. The boundaries of the Carmel Drive - Range Line Road Corridor Overlay Zone (the Zone) are hereby established as approved on the Zoning Map.

23F.01.01 Parcels in the C-1/City Center and C-2/Old Town Districts shall be exempt from the requirements of the Zone.

23F.02 Plan Commission Approval.

23F.02.01 The Plan Commission must approve, approve with conditions, or disapprove the Development Plan (DP) and Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS) for any tract of land in the Carmel Drive – Range Line Road Corridor Overlay Zone as required in Sections 23F.02.02 and 23F.02.03.

23F.02.02 Development Plan. A public hearing shall be held by the Commission before it decides whether to approve or disapprove a DP. A DP shall be required for additions to existing structures which exceed the following:

- A. Fifty percent (50%) of the original gross floor area of the existing structure, applicable from the date of this ordinance.

23F.02.03 Architectural Design, Exterior Lighting, Landscaping and Signage. The Commission shall review and approve or approve with conditions the Architectural Design, Exterior Lighting, Landscaping and Signage (ADLS), access to property, site layout, parking and site circulation, consistent with the provisions set forth in Section 23F.08 through Section 23F.16, Section 24.03 and such approvals shall be necessary prior to:

- A. The establishment of any use of land;
- B. The issuance of any Improvement Location Permit, except maintenance and/or repairs consistent with previously approved ADLS. In cases where properties were developed prior to ADLS requirement, maintenance and/or repairs shall be consistent with the previously approved Improvement Location Permit;
- C. Any change in site improvements which are not consistent with previously approved ADLS. In cases where properties were developed prior to ADLS requirement, changes in site improvements shall be consistent with the previously approved Improvement Location Permit.

23F.02.04 Zoning Waiver. The Commission may, after a public hearing, grant a Zoning Waiver of the dimensional and quantitative standards of this Chapter, by not greater than thirty-five percent (35%). Any approval to permit such a waiver shall be subject to the following criteria:

- A. The proposal shall enhance the overall Development Plan and the adjoining streetscapes and neighborhoods.
- B. The proposal shall not produce a Site Plan or street/circulation system that would be impractical or detract from the appearance of the Development Plan or the District, and shall not adversely affect emergency vehicle access.
- C. The proposal shall exhibit extraordinary site design characteristics, including, but not limited to: Increased landscape treatment, tree preservation, provisions for bicycle and pedestrian traffic.

In granting a waiver, the Commission may impose such conditions that will, in its judgment, secure the purposes of this Chapter. This Section does not affect the right of the applicant under Indiana law to petition the Board for a variance from development standards provided under IC 36-7-4-918.5 and this Zoning Ordinance.

23F.03 Permitted Uses. See Appendix A – Schedule of Uses.

23F.03.01 All Uses which are permitted in the underlying primary zoning district(s), except those uses expressly prohibited by Section 23F.04, are permitted in the Zone.

23F.03.02 Residential uses are permitted; however, it shall not comprise more than seventy-five percent (75%) of a project's gross floor area in districts where residential is not permitted in the underlying zoning district.

23F.04 Special Uses; Prohibited Uses. See Appendix A – Schedule of Uses.

23F.04.01 Special Uses.

All Special Uses which are permitted (upon obtaining a Special Use approval from the Board) in the underlying zoning district(s), except those uses expressly excluded in this Section or in Appendix A: Schedule of Uses, are permitted in the Overlay Zone upon the approval of the Board. In addition, any Use existing at the time of the passage of this Chapter which does not conform to *Section 23F.03: Permitted Uses* but which otherwise does conform to the applicable Use provisions of the underlying zoning district(s), shall be deemed to be and shall be a Special Use under this Chapter. Such Uses shall not be considered legal nonconforming uses nor require Special Use approval for continuance but shall require Special Use approval for any alteration, enlargement or extension.

23F.04.02 Prohibited Uses.

- A. Automobile, Truck, Boat, Mobile Home, Manufactured Housing or RV Sales.
- B. Sexually Oriented Businesses
- C. All Industrial Uses in Appendix A

23F.04.03 Restoration after Destruction of Building.

Nothing in this Chapter shall prevent the restoration of a building or structure destroyed one hundred percent (100%) or less of its square footage at the time of such destruction by explosion, fire, flood, earthquake, windstorm, act of God, riot or act of a public enemy, subsequent to the passage of this Chapter; or shall prevent the continuance of the use, except an illegal nonconforming use, of such building, structure or part thereof, as such use existed at the time of such impairment of such building, structure or part thereof. All such restoration and construction shall be subject to the obtaining of an Improvement Location Permit, with the fees waived for the restoration of a building or structure destroyed one hundred percent (100%) or less and restored according to its state of existence prior to destruction. All restorations resulting in a divergence from original plans shall be subject to obtaining an Improvement Location Permit and payment of fees and comply with Sections 23F.09 and 23F.10.

23F.05 Building Setbacks.

23F.05.01 Build-to Line.

- A. Minimum: Zero (0) feet, subject to recorded utility easement(s).
- B. Maximum: Ten (10) feet, subject to recorded utility easement(s) and to subparagraph C below.
- C. Up to seventy-percent (70%) of the front façade may be recessed for entrances and outdoor seating; however, no entrance shall be recessed more than ten (10) feet, and no outdoor seating area shall be recessed more than twenty (20) feet, subject to Commission approval.

23F.05.02 Side and Rear Setbacks. There are no minimum side or rear setbacks; however, no buildings or other permanent improvement shall encroach into required landscape areas.

23F.05.03 Conflicting Requirements. Wherever there exists a conflict between the building setback requirements of the

State Highway 431/Keystone Avenue Corridor Overlay Zone and the Carmel Drive – Range Line Road Overlay Zone, the State Highway 431/Keystone Avenue Corridor Overlay Zone shall govern.

23F.06 Building Orientation.

- 23F.06.01 Every parcel with frontage on Carmel Drive and/or Range Line Road must have a building that fronts on those streets.
- 23F.06.02 Except for those lots with 120 feet or less of frontage on a public street, every parcel must have a building that occupies a minimum of 70% of that frontage.
- 23F.06.03 Buildings on lots with 120 feet or less of frontage on a public street must occupy the maximum amount of frontage, except for driveways, sidewalks and landscape areas, as required by the Ordinance.
- 23F.06.04 Additional buildings may be built in the rear of the property.
- 23F.06.05 All Principal Buildings shall face a public street, with a primary entrance from a public street.
- 23F.06.06 The primary entrance must be readily apparent as a prominent architectural feature and visible from the street.

23F.07 Building Height.

- 23F.07.01 Principal Buildings must have at least two floors of occupiable space. The second and higher floors must be at least fifty percent (50%) the size of the building footprint and must be oriented to the front of the building such that its front line is equal to that of the first floor.
- 23F.07.02 Minimum height: twenty-six (26) feet
- 23F.07.03 Maximum height:
 - A. Thirty-five (35) feet, or three stories, whichever is greater, if adjacent to single-family residential zone.
 - B. Fifty-five (55) feet, or five (5) stories, whichever is greater.

23F.08 Building Footprint.

- 23F.08.01 Minimum: 0.5 Floor Area Ratio (FAR).
- 23F.08.02 Maximum: 40,000 square feet.

23F.09 Construction Materials.

- 23F.09.01 Principal Buildings must be faced on front and sides with brick, stone, stucco or similarly detailed precast concrete and trimmed in metal, stone, precast concrete, wood, stucco, or brick.
- 23F.09.02 Rear building façade materials may vary, however, its material colors and composition must be coordinated with the front and side façades.

23F.10 Architectural Design. Buildings in the Zone must include the following characteristics:

- 23F.10.01 Ground and upper floors with transparent glass; ground floor elevations must incorporate the transparent glass as a significant component.
- 23F.10.02 A distinct cornice line at the top of the wall and intermediate horizontal elements, such as a trim at the top of the ground floor are optional.
- 23F.10.03 The façade shall be provided relief by windows and surrounds, storefronts, doors, and features such as special brick coursing, pilasters and lintels.

- 23F.10.04 The first floor and all other floors will have a coordinated composition, which will usually be indicated by the alignment of upper floor windows and other features with openings and features of the first floor.
- 23F.10.05 When applicable, retail storefronts shall be oriented along the public street front of the first floor of the building, except for pedestrian entrances to parking areas or small entrance lobbies for upper floors.
- 23F.10.06 Every face of the building with frontage on a public street must have openings for windows.
- 23F.10.07 Large expanses of glass are allowed, but the building may not be constructed entirely of a metal and glass curtain wall.
- 23F.10.08 Fixed or retractable awnings are permitted if they complement a building's architectural style, material, colors, and details; do not conceal architectural features (such as cornices, columns, pilasters, or decorative details); do not impair façade composition; and are designed as an integral part of the façade. Metal or aluminum awnings are prohibited.
- 23F.10.09 Pedestrian scale detailing is encouraged on the front elevation of the building at the ground level. Because the buildings are viewed very close up, all buildings should exhibit articulated detail and ornament that is scaled to the pedestrian.
- 23F.10.10 Rooftop mechanical and telecommunication equipment shall be fully screened on all sides using parapets, penthouse screens or other similar method and which are integrated into the overall building design and approved by the Commission.

23F.11 Landscaping.

- 23F.11.01 Shade trees shall be planted within the street right-of-way, parallel to each street, per the standards of the City. Maximum spacing between trees shall be fifty (50) feet, and a minimum of thirty (30) feet.
- 23F.11.02 A five-foot (5') wide planting strip shall be provided along the sides and rear of all parking areas. The minimum planting shall include two (2) shade trees and thirty (30) shrubs per 100 linear feet.
- 23F.11.03 Parking areas shall be located at the rear or side of buildings, and screened from the sidewalk by low walls, low fences, or hedges.
- 23F.11.04 Shade trees shall be planted within parking areas greater than 10,000 square feet. There shall be planted one (1) shade tree and five (5) shrubs per every nine (9) spaces.
- 23F.11.05 The design of fencing, sound walls, trash enclosures and similar site elements shall replicate the architecture of the Principal building(s) in construction material and detailing.
- 23F.11.06 Sites with existing trees or stands of trees shall protect and incorporate them into the overall site design. The landscape plan must preserve not less than 50% of all trees that are 6" DBH or larger and located within the required yard/setback areas.
- 23F.11.07 All landscaping approved as part of an ADLS plan shall be installed prior to issuance of a Certificate of Occupancy by the Department. If it is not possible to install the approved landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the Final Certificate of Occupancy for the amount equal to the total installed cost of the remaining, uninstalled landscape material.
- 23F.11.08 It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping approved as part of the ADLS Plans in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, rank vegetation and weeds. Street trees in this zone will be maintained by the City.
- 23F.11.09 All landscaping is subject to approval by the Commission. No landscaping which has been approved by the Plan Commission may later be substantially altered, eliminated or sacrificed without first obtaining further Commission approval. However, minor material alterations in landscaping may be approved by the Director or his designee in order to conform to specific site conditions.

- 23F.11.10 Ground level mechanical/ telecommunication equipment shall be screened from the Street and any adjoining residential zones or uses using walls, fencing, landscaping, or other method approved by the Commission.

23F.12 Lighting.

- 23F.12.01 Street lighting shall be provided as part of all projects, on both sides of the street when possible, and spaced no less than one hundred (100) feet apart, and of a design per the adopted City style.
- 23F.12.02 Exterior lighting of the building or site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing. For any use abutting single-family residential uses, illumination levels shall not exceed 0.5 foot candles at the property line.
- 23F.12.03 Exterior lighting shall be architecturally integrated with the building style, material and color. Rooftop lighting shall be prohibited.
- 23F.12.04 All exterior architectural, display, decorative and sign lighting shall be generated from concealed, low level fixtures.
- 23F.12.05 The maximum height of light standards in parking areas shall not exceed the building height, or twenty-five (25) feet, which ever is less. When light standards abut or fall within ninety (90) feet of single family residential, their height shall not exceed fifteen (15) feet.

23F.13 Signage.¹

- 23F.13.01 Prohibited signs:
- A. Ground Signs
 - B. All other signs specified in *Section 25.07.01-4: Prohibited Signs.*
- 23F.13.02 Wall signs are allowed provided that they fit within the horizontal and vertical elements of the building and not obscure details of the building. No sign shall be allowed to extend above the cornice line of a building. Size shall be determined by Sign Chart A of *Section 25.07: Sign Ordinance.*
- 23F.13.03 In cases where Wall Signs are located less than five feet (5') from a right-of-way line, the Wall Sign shall be deemed to be located five (5) feet from the right-of-way for purposes of applying Sign Chart A to determine the allowable sign area.
- 23F.13.04 Projecting Signs are allowed for new or existing buildings which comply with setback, orientation and height requirements, as specified in Sections 23F.05, 23F.06 and 23F.07 of this Chapter.

23F.14 Pedestrian Circulation.

- 23F.14.01 Sidewalks along public streets shall be a minimum of eight (8) feet in width.
- 23F.14.02 Walkways shall be provided on at least one side of the building and shall provide access between rear parking areas and Principal building entrances or the street. Unless otherwise noted in this ordinance, the minimum width for walkways shall be six (6) feet.
- 23F.14.03 Neither sidewalks nor walkways shall be used by automotive traffic.
- 23F.14.04 Pedestrian access shall be coordinated with and provided to adjoining properties.

23F.15 Parking.

- 23F.15.01 Parking areas shall be setback not less than six (6) feet behind the Front Build-to-Line.

¹ Section 23F.13 amended per Ordinance No. Z-486-06, §i.

- 23F.15.02 Parking areas shall be located at the rear or side of buildings, and screened per *Section 23F.11.03*.
- 23F.15.03 Parking space dimensions shall be 9' x 20', or 10' x 18', including two (2) feet for bumper overhang.
- 23F.15.04 Adjacent/adjoining parking lots shall be interconnected either by alley or internal driveway, and coordinated to accommodate pedestrian access.
- 23F.15.05 Paths within parking lots of more than three rows shall be designated to accommodate pedestrians safely from parking areas to sidewalks, walkways and/or building(s). Such paths may consist of striping.
- 23F.15.06 Bicycle parking shall be provided, one space per 100 feet of street frontage.

23F.16 Product, Material & Refuse Storage.

- 23F.16.01 Material or product storage shall occur within the Principal building or an Accessory building.
- 23F.16.02 Any Accessory Building for storage shall:
 - A. Be architecturally compatible with the Principal building and integrated into the overall site layout.
 - B. Be approved by the Commission.
- 23F.16.03 Any Accessory Building for storage or disposal of refuse shall:
 - A. Accommodate waste and recyclable materials, and, if applicable, grease or other cooking refuse.
 - B. Be fully enclosed except for doors or gates which are kept closed unless loading or unloading.
 - C. Be architecturally compatible with the Principal building and integrated into the overall site layout.
 - D. Be approved by the Commission.

23F.17 Other Requirements.

All other requirements not mentioned in this Section shall remain as stated for that primary zoning classification district mapped.

23F.18 Sunset Provision.²

This Chapter expires December 31, 2010

² *Section 23F.18 amended per Ordinance No. Z-497-06; Z-513-07; Z-525-08; Z-537-09.*

**CHAPTER 23F: CARMEL DRIVE – RANGE LINE ROAD OVERLAY ZONE
AMENDMENT LOG**

Ordinance No.	Docket No.	Council Approval	Effective Date	Sections Affected
Z-444-04	04010027 OA	December 20, 2004	January 19, 2005	
Z-486-06	05120002 OA	February 20, 2006	March 22, 2006	23F.13 Spring 2006 v1
Z-497-06	06080022 OA	October 16, 2006	October 16, 2006	23F.18 Autumn 2006 v1
Z-513-07	07080028 OA	December 17, 2007	December 17, 2007	23F.18 Autumn 2007 v1
Z-525-08	08090029 OA	November 17, 2008	November 17, 2008	23F.18 Autumn 2008 v1
Z-537-09	09100005 OA	December 7, 2009	December 7, 2009	23F.18 Autumn 2009 v1